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OFFICE OF PETITIONS

In re Application of

Stefan Schroeder

Application No. 09/720,556

Filed: December 21, 2000

Attorney Docket No. P00.1920

DECISION ON PETITION

This is a decision on the petition titled, "Petition to Consider Correspondence Filed in the United States Postal Service under 37 CFR 1.8."

The petition is **granted**.

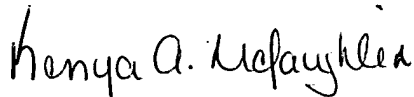
The record reflects that a non-final Office action was mailed on February 26, 2004, allowing a three-month shortened statutory period for reply. The next filing noted as being received on June 1, 2004, is a "Request for Corrected Filing Receipt." The instant petition was filed on August 30, 2004, wherein petitioner maintains that an amendment was mailed on May 26, 2004, in response to the non-final Office action, however; an incorrect application serial number was cited on the amendment and the amendment was put with the wrong patent application. Petitioner requests that the amendment be properly matched and be noted as having been received on May 26, 2004.

A review of patent applications 09/720, 556 and 10/720,556, revealed papers, including the amendment in question, that were in application 10/720,556, but should have been in application 09/720,556, but for petitioner's error in citing the application number. It is further noted that Office date-stamped postcard receipt relative to filings made in application 09/720,556 (albeit with an incorrect application serial number) acknowledges receiving a "Request for Corrected Filing Receipt" and an "Amendment B and Request for Consideration", among other items. The "Request for Corrected Filing Receipt" was properly matched with application 09/720,556, despite the incorrect application serial number on the paper. The "Amendment and Request for Reconsideration" and other filings mailed on May 26, 2004, were

not properly matched. The evidence is convincing that the "Amendment B and Request for Consideration" was mailed on May 26, 2004. Accordingly, the amendment will be transferred to application 09/720,556, and be acknowledged as having been received on June 1, 2004 (with a certificate of mailing dated May 26, 2004.) In addition, the Information Disclosure Statement, PTO-1449, references, and International Search Report, also filed on June 1, 2004, but presently in application 10/720,556, will be transferred to application 09/720,556 and noted as having been received on June 1, 2004.

Deposit account 50-1519 will be charged a petition fee of \$130.00 because the petition was necessitated by an error made by petitioner, notwithstanding petitioner's efforts to correct the error previously via telephone.

The application file is being forwarded to Technology Center 2100, GAU 2154 for further processing.



Kenya A. McLaughlin
Petitions Attorney
Office of Petitions